

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADONNA FROMETA,

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS
RECYCLING,

Defendants-Petitioners.

Civil Action No.:

07 CIV 6372

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants-Petitioners, MARIO E. DIAZ-DIAZ. and ALL AMERICAN HAULERS
RECYCLING file this notice to remove the foregoing case to the United States District Court for
the Southern District of New York, New York division, and respectfully show this Court:

1. A civil action was commenced in the Supreme Court of the State of New York,
County of Bronx in which the above-named individual, ADONNA FROMETA is the plaintiff
and the petitioners are the defendants. The action is entitled Adonna Frometa v. Mario E. Diaz-
Diaz and All American Haulers Recycling and bears Index Number 16270/07.

2. This is a civil action seeking damages arising out of a motor vehicle accident
allegedly caused by the petitioners' negligence. The plaintiff alleges personal injuries. The
addendum demands an amount which exceeds the jurisdictional limits of all lower Courts.
Accordingly, the amount in controversy in this suit is in excess, exclusive of interest and costs,
of \$75,000.

3. This action involves a controversy between a citizen of the State of New York, a citizen of the State of New Jersey and a New Jersey LLC in that: (a) the plaintiff Adonna Frometa is now, and was at the time said action was commenced, a resident and domiciliary of the State of New York residing at 666 East 23rd Street, Bronx, New York (b) petitioner Mario E. Diaz-Diaz was at the time of the accident and remains a citizen of the State of New Jersey residing at 91 Spring Street, Passaic, NJ, 07055 and (c) defendant All American Haulers Recycling was at the time of this accident and remains a New Jersey LLC with its principal place of business at 65 Liberty Street, Passaic, NJ, 07055

4. The above action was commenced against defendants-petitioners on or after June 13, 2007.

5. No proceedings have occurred in the state court action, and the defendants have not yet appeared in that action.

6. Said action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is complete diversity of citizenship between the plaintiff Adonna Frometa and the defendants.

7. Defendants Mario E. Diaz-Diaz and All American Haulers Recycling are the petitioners for the removal of this case to this Court.

8. Defendants have been served with the Summons and Complaint on June 22, 2007. Accordingly, this motion is timely.

9. Written filing of this motion will be given to the plaintiff promptly after the filing of this motion, as is required by law.

10. A true and correct copy of this motion will be filed with the Clerk of the Supreme Court of the State of New York, Bronx County promptly after the filing of this motion, as is required by law.

11. Attached to this motion, and by reference made a part hereof, are true and correct copies of all process, pleadings and orders filed in the aforesaid action.

12. By filing this Notice of Removal, petitioners do not waive any defense which may be available to them, specifically including, but not limited to, their right to contest in personam jurisdiction over the petitioners, improper service of process upon the petitioners, and the absence of venue in this Court or in the court from which the action has been removed.

WHEREFORE, petitioners pray that this action proceed in this Court as an action properly removed thereto.

Dated: New York, New York
July 12, 2007

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:


JOHN A. HSU (JH- 6425)
Attorneys for Defendants-Petitioners
MARIO E. DIAZ-DIAZ and ALL AMERICAN
HAULERS RECYCLING
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
01502.00009

To: Dinkes & Schwitzer
Attorney for Plaintiffs
112 Madison Avenue
New York, New York 10016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

ADONNA FROMETA,

Civil Action No.:

07 CIV 6372

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS
RECYCLING,

RULE 7.1(a) STATEMENT

Defendants-Petitioners.

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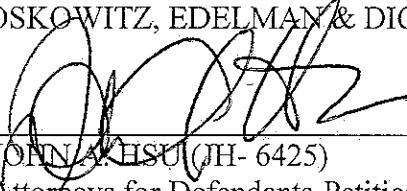
Defendant, Mario E. Diaz-Diaz. is an individual and therefore has no corporate or other parents, subsidiaries, affiliates, securities, stocks or other interests which are publicly held.

Defendant, All American Haulers Recycling, LLC is a privately held New Jersey Limited Liability Company which has no corporate or other parents, subsidiaries, affiliates, securities, stocks or other interests which are publicly held.

Dated: New York, New York
 July 12, 2007

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

JOHN A. HSU (JH- 6425)

Attorneys for Defendants-Petitioners

MARIO E. DIAZ-DIAZ and ALL AMERICAN
HAULERS RECYCLING

150 East 42nd Street

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To: Dinkes & Schwitzer
Attorney for Plaintiffs
112 Madison Avenue
New York, New York 10016

JUL-10-2007 TUE 08:48 AM John A. Rocco Co. Inc.

FAX NO. 9735141000

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

ADONNA FROMETA

Plaintiff(s)

- against -

Index# 16270/07

Invoice Number: 442059

File #: SRDS07-02BSP

MARIO E. DIAZ-DIAZ, ETANO

Defendant(s)

Notice Pursuant
to Section 253
of the Vehicle
& Traffic Law
of the State of
New York

Please take notice that a copy of the within summons and complaint along with the statutory fee of \$10 was served upon the Secretary of State of New York pursuant to Section 253 of the Vehicle and Traffic Law on June 22, 2007 at the office at 123 William Street, New York, New York 10038.

Dated: June 29, 2007
New York, New York

DINKES & SCHWITZER, ESQS.
112 MADISON AVENUE
NEW YORK, NY 10016
ATTORNEY FOR PLAINTIFF
(212) 683-3800